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 Action Metal Recycling, Inc.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Communities for a Better
 Environment, a California non-profit
 corporation,

Plaintiff,

v.

Action Metal Recycling, Inc., a
 California corporation,

Defendant.

CASE NO: C07-02768 JCS

**STIPULATION TO EXTEND TIME
 FOR FILING RESPONSIVE
 PLEADING & EXCHANGE OF
 RULE 26(a)(1) INITIAL
 DISCLOSURES**

*Pursuant to Fed. R. Civ. P. 6(b)(1),
 Local Rule 6-1.*

Magistrate Judge: Joseph C. Spero

(Federal Water Pollution Control Act,
 33 U.S.C. §§ 1251-1376)

IT IS HEREBY STIPULATED by and between the parties, through their
 respective attorneys of record, that Plaintiff Communities for a Better Environment
 ("Plaintiff") and Defendant Action Metal Recycling, Inc. ("Defendant"), hereby
 stipulate and agree as follows:

WHEREAS, Plaintiff filed its Complaint against Defendant on May 25, 2007;

WHEREAS, Plaintiff served its Complaint on Defendant on July 13, 2007;

WHEREAS, the parties appeared before this Court for a Case Management
 Conference on August 31, 2007,

WHEREAS, at the August 31, 2007 Case Management Conference, the Court

1 granted the parties ninety (90) days to mediate the matter, continuing the Case
2 Management Conference to November 30, 2007;

3 WHEREAS, Plaintiff and Defendant are engaged in mediation pursuant to
4 Local Rule 6-3(a) with a court appointed mediator;

5 WHEREAS, the parties had a pre-mediation teleconference with the mediator
6 on September 18, 2007, with the parties agreeing to attend a mediation session on
7 October 17, 2007;

8 WHEREAS, Philip Huang, counsel for Plaintiff in this matter, unexpectedly
9 left Plaintiff's employ two days before the parties were to attend the October 17,
10 2007 mediation session;

11 WHEREAS, Plaintiff's other attorney of record, Shana Lazerow, was
12 representing Plaintiff in front of Judge McKnew in Los Angeles Superior Court on
13 October 17, 2007 (case number BS110792), and was therefore unavailable for the
14 scheduled mediation session;

15 WHEREAS, the earliest date the mediation session could be rescheduled was
16 November 14, 2007;

17 WHEREAS, the parties previously stipulated to extend the deadline for filing
18 responsive pleading to August 31, 2007, then to September 21, 2007, and then to
19 December 7, 2007;

20 WHEREAS, the parties previously stipulated to extend the deadline for
21 exchanging Federal Rules of Civil Procedure Rule 26(a)(1) Initial Disclosures
22 ("Initial Disclosures") to September 21, 2007, and then to November 2, 2007;

23 WHEREAS, in light of the four week delay resulting from the rescheduling of
24 the mediation session, the parties desire to extend the date by which Defendant
25 must file responsive pleading and to extend the date by which the parties must
26 exchange FRCP Rule 26(a)(1) Initial Disclosures.

27 NOW, THEREFORE, BASED ON THE FOREGOING FACTS, THE
28 PARTIES HEREBY STIPULATE THAT:

1 1. The parties have extended the date by which Initial Disclosures must
2 be exchanged to November 30, 2007; and

3 2. The Defendant's last day to file responsive pleading to the Complaint
4 is extended to January 4, 2008.

5
6 IT IS SO STIPULATED AND AGREED.

7 DATED: October 22, 2007

**COMMUNITIES FOR A BETTER
ENVIRONMENT**

8
9
10 /s/
Shana Lazerow
11 Counsel for Plaintiff

12
13 DATED: October 22, 2007

TRUTANICH • MICHEL, LLP

14
15 /s/
16 W. Lee Smith
Counsel for Defendants

17
18 DATED: _____, 2007

19 _____
Honorable Joseph C. Spero
20 United States Magistrate Judge

UNITED STATES DISTRICT COURT
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Communities for a Better
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CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 E. Ocean Blvd., Suite 200, Long Beach, California, 90802.

I am not a party to the above-entitled action. I have caused service of:

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RESPONSIVE PLEADING AND INITIAL DISCLOSURES**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Shana Lazerow
Counsel for Plaintiff
E-Mail: slazerow@cbecal.org

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 23, 2007.

/s/W. Lee Smith
W. Lee Smith
Counsel for Defendant